



PUBLISHED DAILY AND TRI-WEEKLY BY
EDGAR SNOWDEN.

FRIDAY EVENING, SEPTEMBER 7, 1877.

The extra Cabinet meeting yesterday was one of the most interesting that has been held during the present administration. All the members were in attendance excepting the Secretary of Navy. The only matter considered was the New York Custom House appointments, and the removal of Mr. Cornell. It was finally determined by the President that the public interests will be better served by the appointment of new officers for the three leading positions in the New York Custom House. The changes will not be made until after the meeting of Congress, and there is no intimation from any responsible quarter as to who will probably succeed the present officers. The correspondent of the Baltimore Gazette says:—"It was Cornell's firmness and determination that made Mr. Sherman timid in Cabinet about advising extreme measures with him, and a member of the Cabinet is authority for the statement that he even advised the President to take no action in the matter till Congress met, which was finally resolved upon. Secretaries Evans and Schurz were in favor of bringing down the axe without any delay, thinking Cornell had openly violated the established rules and should be promptly punished for his offense. So the matter ends for the present with Cornell on top."

The Social Science Congress, at Saratoga, yesterday, had a number of interesting papers before it, including papers by J. Randolph Tucker, of Virginia, on the relations of the U. S. to each other as modified by the war; and by W. L. Trenholm, of South Carolina, on the social and industrial condition of the Southern States. J. Randolph Tucker's paper on the relations of the U. S. to each other as modified by the war and the constitutional amendments, showed the strong State rights doctrines held by the Southern States and sustained by the courts before the war. He closed by announcing that the South accepts all the amendments adopted as binding, protesting against the mode of adoption as precedents. They increase the powers of the general government and put limitations on State power, but do not organically change the relation of the States to the Union.

There having been some difficulty in reference to the nomination of a candidate for the State Senate, in the Fredericksburg district, representatives of the party from Stafford, Spotsylvania and Fredericksburg, met in Fredericksburg on Tuesday, when, after a discussion, the following resolution, offered by Judge Jett, was adopted:—

"Resolved, That while this conference is of opinion that the meeting which nominated Capt. Henry W. Murray was irregularly organized, and hence his nomination was irregularly made, deem it inexpedient for the welfare of the conservative party to make any other nomination."

We hope that Mr. Murray, who is in every way qualified for the position, will receive the undivided support of the conservatives of the district.

The workmen's party in Baltimore have nominated Joseph Thompson, a blacksmith, for Mayor. In his speech of acceptance he made no promises further than that he would, if elected, work for the interests of the laboring classes and try to do his duty faithfully. One of the speakers at the convention said that Benjamin F. Butler was at present the ablest and greatest man in the United States, but his opponents attempted to crush him because he was a friend of the laborer and a descendant of workmen. If he will stand by labor, as he has heretofore done, he will stand by him, and he may yet be President of the United States. [Derivative cheers, slight applause and cries "Oh, no; you're mistaken," and great laughter, during which the speaker took his seat.]

Madame Thiers has declined to allow the French Government to arrange the funeral cortege, consequently the decree for a State ceremony has been annulled, and the Government will take no part except paying to the deceased the military honors due the former chief of the State. It is feared in Paris that the abandonment of the State funeral will convert that funeral into a political demonstration, and may lead to a breach of the peace, provoked by the violent tone of the Bonapartist press, particularly the Pays. The Defence says that all political manifestations will be put down with the utmost vigor. The Cuirassiers have been recalled to Paris.

Prince Bismarck and Count Andrássy are to have a meeting at Salzburg on the 12th or 15th. Some correspondents attribute this meeting to mere courtesy, but others think that the chances of future mediation will be discussed. Earl Derby, speaking at Liverpool last evening, said he did not think the present moment favorable for any intervention by third parties in favor of peace, but the time might come, and it might not be far distant, when England's good offices would be acceptable. He assured his hearers that whenever, in the Government's judgment, that time arrived they would not lose the opportunity.

A Washington dispatch to the Richmond State announces that President Hayes, on Wednesday, informed a committee from Richmond, that if agreeable to the authorities and citizens he would make a visit to that city at the State fair, which takes place in the last week in October.

The expression, used in the dispatches announcing the death of M. Thiers, apoplexie foudroyante, means only apoplexy which strikes down and kills at once, as distinguished from that whose fatal effects are developed with less startling speed.

Y. J. P. Owens, formerly a State Senator of South Carolina, died in Baltimore, on Wednesday. Among his effects was a sealed package said to contain \$42,000 in State securities, which was taken charge of by the hotel clerk. The relatives of the deceased made a demand on the clerk last evening for the package, which demand was not complied with, on the ground that the authorities of South Carolina had telegraphed instructions to hold the same until an investigation was had, it being alleged that the securities belonged to the State.

The Port Tobacco (Md.) Independent says: "A good many farmers are now cutting and housing their tobacco crops. We regret to find the opinion general that the crop, as far as this county is concerned, will fall far short of the expectations entertained only a short while ago."

The election returns from California, though as yet incomplete, are sufficient to render it almost certain that the democrats will have a majority in the Legislature on joint ballot.

Littell's Living Age, for this week, has been received from the publishers, Littell & Gay, Boston. This number is as interesting as its predecessors.

The State Treasury is empty. The authorities are endeavoring to borrow \$100,000 from the banks.

News of the Day.

At Wapokoneta, O., Wednesday, night the county treasurer was seized, gagged and then taken to the courthouse, where, after being subjected to a severe ordeal of fire, which was placed between his feet and his head, he was compelled to divulge the combination of the county safe, and some \$400 was taken therefrom. Mr. Myers, the treasurer, was discovered next morning in a helpless and suffering condition. His wrists, feet, mouth and face were witness to much suffering. Mr. Myers was the outgoing treasurer, and should have delivered up the office on the first of September, but owing to some delay in the settlement of accounts he was still in possession.

The Baltimore papers say that Col. R. Clay Crawford, said to be identified as Osman Pasba, came to Chestertown, Kent county in 1867 and published a paper there. He left suddenly about 1873. Many ladies in the Egyptian service wrote home of an American officer known as Osman Bey, in the army of the Khedive, and a personal description tallies with that of Crawford, who was tall and stalwart with a reckless bearing.

On Monday last the barn of Nat. Willis, living near Summit Point, Jefferson county, W. Va., caught fire from the steam thrasher engaged in getting out his wheat, and the building, containing about 1,200 bushels of wheat, 20 tons of hay and some farming implements, were destroyed.

Eight miners were dreadfully burned yesterday by an explosion of gas in the Phoenix Park mine, near Minersville, Pa. One man has died, and Thomas Lloyd, a brother of the proprietor, is among the injured. A blast made by one of the workmen caused the disaster.

The international cereal fair at Vienna opened on the 23d of August. The number of producers and grain merchants present exceeded ten thousand, and the amount of business transacted surpassed all expectation.

A special postoffice agent has detected passing through the mails circulars of what is styled the "Second Royal Dominion Gift Concert," to take place in New Brunswick, November 30th. The whole affair is a swindle.

A sale of forty-two short-horn Canadian cattle is reported in England, realizing sixteen thousand two hundred and eighty guineas, and yielding an average of nearly two thousand dollars a head.

Wm. M. Tweed yesterday commenced giving his history of ringfrauds before the N. Y. Aldermanic committee charged with the investigation. His disclosures consisted mainly of the names of those concerned in the ring.

There will be a deficit of eleven million Turkish pounds, according to the financial estimates of Turkey for the present fiscal year, to be raised by taxation.

The President has recently pardoned more than a dozen persons for various offenses ranging from petty larceny up to counterfeiting and robbing the mails.

The Eastern War.

The London Times' correspondent, who was present at the capture of Lovat, estimates the actual Russian attacking force at 22,000, with one division in reserve. He says the capture seems to have been effected partly by surprise.

The bombardment of Rastchuk by the Russian batteries at Slobosia was commenced on Wednesday and continued on Thursday. The Turks from Widdon on Wednesday night attempted the capture of Chupcheri, near Kalafat, by landing from boats, but were driven back by a Roumanian battery. The garrison of Widdon is now eight thousand strong, having been augmented on account of the warlike attitude of the Servians.

Mehemet Ali telegraphs from Kechlowa that Khyab Pasha's army corps, which was divided into two columns, attacked the Twelfth army corps on the banks of the River Lom. The Russians were defeated, abandoned the fortified positions and recrossed the river in disorder. The commander of the Russian cavalry was killed, and their loss was three thousand in killed and wounded. The Turkish loss is said to be two hundred killed and seven hundred wounded.

A dispatch from Constantinople says: "The Turkish commander in Herzegovina reports that a band of two thousand Montenegro surrounded a village near Preskita, intending to get cattle and corn. During the night a fresh band of Montenegrins arrived, whom the first band supposed to be Turk. A fierce combat took place, in which seven hundred were killed and a great number wounded. The mistake was not discovered until the morning."

The Russian headquarters have been moved from Gorney Studen to Bulgarien. It is not known whether this is a Russian advance or a retreat from the neighborhood of the Jautra line.

LONDON, Sept. 7.—A dispatch to the Times, dated Erzerum, September 4th, says: The battle of Kiziltepe, which resulted in the Russians being completely driven from their position at Kedarat, cost the Turks 430 in killed and 1,400 in wounded. Kiziltepe Hill, which was held by five battalions of Russian infantry, the remainder having withdrawn to Kardeck on the 23d of August, was attacked at 2 o'clock on the morning of the 24th by two divisions under Ali Pasha and Mahmud Bey. They were both wounded. The Russians outnumbered by ten to one fought bravely, but were driven off by their main camp. They camp up about nine o'clock and made three unsuccessful attempts to carry the hill by storm. These were most gallantly repulsed by the Turks, who finally remained masters of the field, and have now strongly entrenched Kiziltepe Hill.

LONDON, Sept. 7.—A special dispatch from Constantinople by way of Smyrna to the Times says: Three thousand wounded from the Russian Pasha's army have reached Adrianople. The English doctors report 4,000 more at Kazanlik, and that at Shipka they lie all over the steep hill sides. The Turkish Badgad army (35,000 men) is going to Nish. The uneasiness at Constantinople about the attitude of Greece has subsided, but there is still great distrust of Servia. A further issue of six million piastres paper money has been determined on.

M. E. Church, South, District Conference.

[Reported for the Alexandria Gazette.] FAIRFAX C. H., Sept. 5.—The morning session commenced at 9 a. m., with religious exercises by Rev. Robert Smith, of Manassas. The minutes were read and approved.

The roll was called and the following ministers and lay delegates answered to their names: Mr. Vernon Station, Rev. J. W. Butler and Mr. J. B. Wilson; Alexandria, Rev. W. K. Boyle, and Messrs. W. H. May and F. J. Pollard; Falls Church, Rev. R. Smithson and Dr. Moran; Fairfax, Revs. C. A. Joyce, J. F. Bages, and G. H. Williams; and Messrs. R. Nevitt and J. A. Marshall; Farnwell, Revs. O. C. Ball and G. W. F. Hammer; Leesburg, Revs. H. H. Kennedy and Sam'l. Rustin, a colored local preacher; Hamilton, Revs. L. H. Crenshaw and W. T. Carruthers; Hillsboro, Mr. J. T. White; Potomac Mission, Rev. F. Furr; Piedmont, Rev. J. H. Dulaney and Mr. L. M. Wolf; Fauquier, Revs. J. S. Porter, L. M. Lyle and R. Smith and Mr. A. Comp ton; Fredericksburg, Rev. E. Armstrong and Mr. W. P. Conway; junior members, Revs. J. Lindstreet and J. M. Grandin, Stafford, and Revs. J. H. Temple and Smith.

A motion to dispense with committees was carried and the business of the Conference fixed.

The Presiding Elder called for reports from churches. Alexandria—Rev. W. K. Boyle reported the spiritual condition fair; a revival soon after his arrival on the circuit resulted in about forty accessions to the church; attendance on prayer meetings very good; class meetings not well attended; family religion somewhat neglected; membership 435; two church buildings and a comfortable parsonage. Mr. Boyle also gave an interesting account of the work amongst the colored people in connection with the colored M. E. Church, which was received with evident satisfaction.

Mr. R. Nevitt thought that an expression might be made of the interest felt by our church in the colored people, and Rev. J. Lindstreet also favored it.

Dr. Regester, P. E., was glad that Mr. Boyle had brought out the point. He thought the colored M. E. Church would do much good in the South.

Rev. Mr. Boyle was desired to draft the resolution.

Mr. May said Washington street church was valued at \$30,000, and the total value of church was \$24,800. The envelope system of finance was used and bills sent to members in arrears.

Fairfax Circuit—Rev. C. A. Joyce reported the spiritual condition fair; membership upwards of 420; no decline; fifty per cent. of the people of Fairfax were church goers, yet there was a great deal of Sabbath breaking, more than in any section in which he had ever lived; appointments were far apart, and it was a matter of impossibility to give satisfaction in pastoral work in so large a circuit; he had taken up a new appointment at Frying Pan. In Sunday school work he reported a steady increase at some points.

Mr. Nevitt urged the claims of the Lewis Chapel neighborhood.

Rev. G. H. Williams urged division of circuit.

The hour having arrived for divine service, Rev. John Lindstreet preached from Hebrews, chap. 11, verses 24-26, on the subject of Moses' experience of the patriarchs than in all the dox of the Bible. The apostle had stationed himself, as it were, in the midst of a picture gallery, and pointed in turn to the experience of Abel, Enoch, Abraham and Moses. What did Moses refuse? Pharaoh's daughter had been to him all that a mother could be. The throne of Egypt was his by right. It was his he refused. Caesar put away the crown of Rome as a matter of policy. All that it meant he already held, but Moses refused the crown of Egypt when that refusal was a step to poverty and infamy. The choice was an unparalleled one. What is the picture that any of us give when compared to the sacrifice made by him? On "Change he would be thought a fool, yet in the eyes of God he was a perfect character. Moses refused to be called the son of Pharaoh's daughter because it was not true. How a man could be religious and not truthful he never had brains enough to understand. A brave man was true in every relation of life, true as a son, as a husband, and to his country. Moses chose persecution with the people of God. Those who had cut with the people of God had a good right to suspect the Godliness. That class of Christians who could not stay in the Church for this or that reason had his pity and something else. Peter denied the Saviour and swore about it, and all left him save one, yet that one was enough. Moses was actuated by the love of Christ. Strange declaration, but God says it. What did he know about Christ? What did Abel know? He felt that as he killed the lamb for sacrifice, that act in some way atoned for his guilt, and so was it with Abraham and the patriarchs. Was the choice of Moses wise? What said the worldly men? The world never produced a wiser. He lost the crown of Egypt, but that was only a question of time. It mattered not how high a man climbed, wrongfully, sooner or later a hand would surely pull him down. Look at Moses as a warrior; Napoleon was nothing to him. Look at him as a legislator; we all bow to the majesty and dignity of law; no legislator equalled him, for the law of Moses is the organic law of all civilized lands. Look at him as a historian; had he any equal? He had access to the library of heaven and wrote the history of God.

On motion the Conference adjourned.

Evening Session.

The Presiding Elder called the meeting to order.

The minutes of the morning session were read and approved.

The report of Mr. Vernon Place Church, Washington, D. C., was called for. Rev. J. W. Butler: Spiritual condition not so bad as it might be; congregation good; marked interest in Wednesday night prayer meetings; membership about 200, increase since last conference; their position needed sympathies, not criticism; Sunday school had greatly improved under Superintendent Petty.

Mr. J. B. Wilson: It was not their fault they had been left without a minister; had been advised by the Bishops to take the course they had done.

Falls Church Station, Rev. R. Smithson: Attendance upon preaching very good; classes established at both churches; two Sunday schools.

Dr. Moran warmly advocated Sunday school work.

Presiding Elder: It the old fashioned class meeting must go down the Sunday school must, to some extent, take its place; it should therefore by all means be kept up.

Farmwell, Rev. O. C. Ball: Charge consisted of six appointments; a Sunday school at each; no church buildings the exclusive property of the Conference.

Leesburg Station, Rev. H. H. Kennedy: Membership 240; attendance on public services good, but not as it might be at class and prayer meetings; as to finances he never heard of them; the people paid up.

Hamilton and Grove, Rev. L. H. Crenshaw: An exceedingly interesting charge; three appointments; 388 members; attendance on public services large; two Sunday schools in a very flourishing condition; the one at Hamilton large and well officered; the one at Rockhill filled to overflowing; financial system could not report so favorably; conference collections generally made up, but in matter of pastor's salary, which he left to the stewards, they were in arrears.

A resolution urging upon the circuits of the

district the financial system recommended in the minutes of the last annual conference was carried.

Conference adjourned at 5 o'clock.

At 7:30 p. m. a large congregation gathered at the church. Rev. G. W. F. Hammer preached from the parable of the sower, after which Rev. J. Lindstreet presented the claims of the Reformed Female Seminary.

Rev. W. K. Boyle, of Alexandria, will lecture to-morrow night for the benefit of the new church—subject, "Only a drop." A large attendance is expected.

FAIRFAX C. H., Sept. 6.—An interesting feature in the session of yesterday was the presence of Samuel Rustin, a colored local preacher of this Church, Leesburg circuit.

The Presiding Elder called upon him to address the Conference. He said he was very glad the Conference had determined to express its sympathy for the colored people and the colored M. E. Church, and thought it would do good. He found that the colored people in country places were very ignorant. He had to teach them from the Bible; in fact it was teach all the time. His was a labor of love. He did not get \$10 a year. Colored people did not pay preachers as they might.

Rev. W. K. Boyle implored the divine blessing upon this man, who was evidently actuated by the spirit of the Master, and the Conference responded with a hearty amen.

The following is the resolution referred to in the report of yesterday's proceedings: "Whereas the M. E. Church South has ever manifested the warmest interest in the welfare of the colored people, and has demonstrated this most positively by carrying on an extensive missionary work among them before the war, and when under changed circumstances it was deemed expedient to set them apart under a church government of their own, the M. E. Church South transferred many thousands of members and all the church and other property occupied by them to the new organization; and whereas this new church, the Colored M. E. Church of the U. S. A., is now extending its work throughout our bounds; therefore

"Resolved, That in view of the fact that this new Church is entirely non-political in its character, and under thorough religious influence, we most cordially welcome our brethren of this Church in our midst, and pledge ourselves to give them all the aid and comfort we can, so long as they maintain the principles underlying their first foundation."

A. V.

Conservative Convention in Culpeper.—Demonstrations in Favor of the Hon. James Barbour.

[Correspondence of the Alexandria Gazette.] CULPEPER C. H., Va., Sept. 7, 1877.

The Conservative Convention to nominate a candidate to represent the people of Culpeper in the next House of Delegates, met in Hill's Hall about 10 o'clock. It was a "foregone conclusion" Mr. Barbour would be nominated, for Mr. Strother, his competitor, had declined to enter the lists, although it was supposed from previous demonstrations that a convention was his favorite plan. Mr. Barbour preferred a primary election, but was perfectly willing to any plan that might be adopted. But the truth is no plan or opposition could resist the overwhelming surge of popular demonstration in favor of Mr. Barbour. The township meetings to nominate delegates were the largest ever known in Culpeper. There were 210 Barbour men present in one township that voted only 250, and larger meetings were held in the others than had ever been witnessed by the "oldest inhabitant."

The convention, as a convention, was unprecedented in the history of Culpeper. The delegates were men of the first influence and responsibility, and from every section of the county looked the first-class citizens to witness the honor they felt sure would be conferred upon their great favorite, and to endorse the party with zeal and energy in his behalf. As soon as the nomination was made a committee was appointed to wait on Mr. Barbour and inform him of his nomination.

I assure you the manner of his greeting was fully equal to the "noise and confusion" in the squatter sovereignty days of General Cass, but with this difference: Mr. Barbour, unlike Gen. Cass, did not make the noise and confusion a pretext to conceal his sentiments. There was an open and outspoken avowal of his political opinions, and like McGregor, "on his native heath," he spoke with all the fine energy and eloquence of his nature. It was a telling speech. Not one that merely elicited applause from the crowd, but the wise and practical plan he proposed for a readjustment of our public debt, made an effectual lodgement upon the thinking minds of the honest yeomanry of the county, if we may infer from their earnest, enthusiastic approval of his speech. I have never heard a speech that was received with more enthusiasm and sometimes deafening applause. And when he spoke of the honors old Culpeper had showered upon him in ante bellum days some rose from their seats to let him know that that sort of business was not over; that his services were more needed than ever, and they deemed his cooperation very essential in the adjustment of our financial difficulties. But the conservatives are not alone in their high appreciation of Mr. Barbour. The republicans beyond a doubt are flocking to him in great numbers. The influential men of their party are looking more to their pockets than their politics, particularly now since the partial disintegration of parties. But the true conservative tone of Mr. Barbour's speech produced a salutary effect upon the feelings of both parties. Under the influence of his speech they characterized such an "era of good feeling" as characterized the days of Monroe. One thing is certain, no arts or artifices can draw from Mr. Barbour the larger proportion of the colored vote. They are under too many obligations to him for past services, and they feel it and express it with all the grateful emotions of their nature. He has always been their steadfast and disinterested friend, and what is better, a friend to the poor of both classes. The colored people as an evidence of the debt of gratitude they owe him are voluntarily getting up petitions and earnestly requesting their brethren to rally around the "poor man's friend," to quote their own language. I have seen myself a petition with 150 signatures to it, and the cry is still there, "come," for I was requested a few hours ago to write one for them. So much for those points before I proceed to a very brief recital of Mr. B.'s remarks upon the "public debt."

I will say that the excitement in the way of betting appears to be confined to Mr. Barbour's friends, each one contending and betting that his township will give Mr. Barbour the largest majority. A few weeks ago the opposition were practicing what I used to do in another line—the game of "Brag"—and I opine with similar results, they being as much minus in the way of votes as I was in the way of money. The most recent speculation was to represent families as deserters and refugees. Well, as hope is one of the family herd of it he would not straight shoot to Mr. Barbour's office to inquire if the slander had reached him. Upon one occasion the crowd was so great that a goodly number had to hold a sort of levee out in his yard to wait for an audience. But that game is played out for want of families. There are only two left, and they are hid in the piney woods and swear they are like Sebastopol, and "won't be taken," or rather reported. And now I will give a few pencillings of Mr. Barbour's remarks upon the "debt question," a fuller account of which can be seen in the "Richmond Whig" of the 30th of August, as reported from Mr. B.'s speech at August court. The great outline of his plan of readjustment was to bring the bondholder and taxpayer upon terms of perfect equality, and to affect it he

proposed to issue three percent bonds, which the creditor would greatly prefer, if endorsed by the people, to six percent bonds, which would never be paid. As for the "coupon" clause, which has been considered the great stumbling block to readjustment, there were various ways said Mr. B. of breaking its force, and he suggested that you issue for sale to each taxpayer a certificate of State indebtedness for the amount of his taxes and sell it to him at 50 cents on the dollar. But I can say no more upon it for want of time. Suffice it to say that it would put the man who pays in money on a par with the man who pays in coupons. If the bondholder is slowed, said Mr. B., to pay his taxes at 50 cents or 60 cents in the dollar, extend the same privilege to the taxpayer. Fix the price of the "certificates" and the "bonds" at the same, and thus make taxation equal and uniform. Mr. B. said the legislature should adopt the policy of passing no act until all her just creditors are on the same footing. Let this be kept up, and let the bondholders be informed that it will continue until they make up their minds to come to a fair and equal adjustment. Mr. B. repudiated the idea that he was a repudiator, but said the real repudiators were those who were sustaining this "Funded Bill," thereby repudiating ten millions of dollars as sacred and binding as funded bonds of bondholders. He alluded to the bonds held by widows, orphans and minors. Mr. Stuart, the Ajax of the bondholders, characterized this "discrimination" as "iniquitous." He characterized it as odious and unjust. Mr. B. concluded by saying that the plan he proposed, or something similar, would pay the debt, or approximate towards it, leaving the government to be carried on at an expense not exceeding 25 or 30 cents on the \$100 dollars.

QUID NUNC.

The Liquor Punch Case. FOURTH DAY'S PROCEEDINGS. The hearing of the motion for a dissolution of the preliminary injunction against the manufacture and use of the Moffett register was resumed in the United States Circuit Court this morning before Judge R. W. Hughes. Upon the opening of the Court, Maj. Grimsley for defendants, continued the reading of the testimony of experts, whose evidence tended to prove that the Moffett register did "infringe upon the Fountain patent as claimed by the plaintiff."

Mr. Ellsworth, for plaintiff, submitted supplementary affidavits of the experts, whose testimony was read yesterday. These new affidavits were made necessary by the issues of the patent to Moffett. The experts testified that after an examination of the new Moffett patent they were of the same opinion as expressed in the former affidavits, viz: That the Moffett patent was an infringement.

Attorney General Field and Judge Hill discussed the admissibility of the affidavits pro and con, and Judge Hughes ruled that supplementary affidavits were unnecessary.

They were afterwards filed by consent.

The models of the Fountain and Moffett registers having been filed as exhibits and examined, and all the testimony submitted.

Mr. Ellsworth, of Washington, opened the argument for the plaintiff, in favor of continuing the preliminary injunction, and said he would confine himself to the question of infringement and such questions as collaterally flowed from it. He took up the specifications of the Fountain patent and argued them seriatim, claiming that the Moffett register was formed upon like principles.

He argued that a new combination of old devices to produce a new beneficial result was patentable, and any one making a similar combination would be an infringer. Authorities were cited upon this point, and he argued that nearly all modern inventions consisted of new combinations of old devices. The claim of defendants, that the purpose of the Moffett register is for collecting the revenue of the State of Virginia, and, because of this new purpose the Moffett machine was patentable, was untenable. The speaker ridiculed the idea of the patentability of an old invention simply because of its application to a new purpose. A purpose was not patentable, various authorities having settled this point.

The defendants admitted the validity of the Fountain patent, and hence, the only question that could possibly arise in this case is that of infringement. The speaker reviewed the mode of proceedings in infringements under the English system, and said the rule there established has been followed here, viz: Where the validity of the patent is not assailed and the infringement reasonably clear the Court will interpose for the protection of the patentee by injunction.

Maj. Grimsley, of Culpeper, replied to the arguments advanced, and said he would undertake to show that it would be against good conscience and equity for the injunction *pendente lite* to stand and the interests of the Commonwealth and the citizens be permitted to suffer. The plaintiff must read his title clear before he will be entitled to this extraordinary remedy. Before going into the subject of interference he would notice the objections to the bill. There were two objections to the plaintiff's bill—1st. The bill must be accompanied by the affidavit of the patentee that he is the first, true and original inventor. 2d. Where the patent is of recent origin and its validity has never been ascertained by a judgment at law, there must be an allegation in the bill that the patent has been in use and been acquiesced in. In this case there was no allegation of user except the affidavit which had been filed this morning. In ascertaining the equity of the complaint it was necessary to inquire into the state of the art, and this was done by the question of the "faro register" had been closed by various improvements which for fifty years had been made. The plaintiff in obtaining his patent for a "faro register" had been, after repeated objections, brought down to an exact combination for a particular purpose, to wit, a "faro register," and for no other purpose, and the adaptation of the Fountain register, to be carried in the hand, was the particular element for which he was awarded the patent. Form was an element essential to an invention, and in this the Moffett register was different from the other. The gearing was different in the two patents, and the plaintiff could not claim anything outside of his specification. In the abstract the purpose for which a thing is to be used is not patentable, but where there was a new element and a new purpose, a new thought or idea, it justified the Patent Office in granting the patent. Defendants deny the validity and novelty of the Fountain patent, and claim that there is no novelty in it. The patent for a "Faro Register" was granted in 1854 with all the essential elements of the Fountain patent. It may be that the Moffett Register possessed no novelty, but it must likewise be true of the Fountain patent. The mechanical equivalents in the Fountain patent had been anticipated by these old patents, which have long since expired. There was more similarity between these patents than between them and the Moffett patent, and after all it might be possible that none of the parties were entitled to a patent, and all this litigation might be gotimed and out of place. The parties stood in equal right before the court; both had patents but the defendants had been subjected to a contest with Fountain, and that had been decided at the Patent Office. Defendants prima facie case was the strongest. At all events this question of right was involved in doubt, and the rule is that the plaintiff to obtain this extraordinary remedy must read his title clear. There must be doubt in this case, and the injunction must be dissolved, because a court of equity ought not interpose; its strong arm unless the case is so clear that "he who runs may read."

The testimony of experts did not clear the doubt as they had given their opinions on both sides. It is a common principle of equity that where a person was allowed to incur ex

penses in an enterprise by another whose rights are infringed that other is guilty of laches if he does not give notice of the infringement. The plaintiff knew the manufacture of these machines was progressing but gave no notice to discontinue it. Now this injunction would ruin the fortune of the manufacturer, Mr. Johnson, who had contracted to supply these machines. Courts of equity require a complainant to come in with clean hands and to do justice and equity to the defendant party. If the plaintiff had a legal right under this patent he had stood by and permitted the contractor to incur responsibilities without notice, and the injunction would do more harm to the contractor than its dissolution would to the plaintiff. The defendant's patent had been put in use but the plaintiff had not, and by not giving the public the benefit of it he had violated his contract with the government of the U. S., which made the grant upon conditions of the public benefit.

Col. Young, of Richmond, argued in favor of the injunction, and referred to the U. S. statutes to show the large discretion allowed to the Court in determining the allowance of the injunction.

In reply to Major Grimsley he argued that objections to the bill were mere matters of form, which could be put to rest by amendment, and the plaintiff could not be turned out of Court on such ground. The objection was that the invention had not been put in use, but if this was the law no new invention could be protected by injunction, as if there had been an acknowledged and public infringement, there could be no remedy. The speaker said the law is that the plaintiff must show a clear title and a good patent. If his title is right and his patent untrampled he is entitled to the protection of the court, otherwise he came with faltering steps. Then if there were reasonable grounds for believing an infringement the court would sustain the injunction. The doubts of the case to be adverse to the complainant were doubts as to the validity of the patent—not doubts about the fact of infringement. This latter did not require absolute and indisputable evidence to authorize the injunction, because the court might say in every case, that as there was some doubt about the fact of infringement an injunction would not be granted.

Col. Young read authorities upon the question of reasonable doubt as applied to the plaintiff's right, i. e., affecting the validity of the patent. In this case there was no question of the validity of the patent, which having only been issued in March last, there had been no opportunity to put it into use. He claimed that the Fountain invention had been put into the Moffett register, and if so there was an infringement.

With regard to the change of form, if that change produced a new effect it was not less patentable, but he contended that the effect produced by both registers was the same. If the combinations of the same results the two equivalent registers prevailed. The charge that one of infringement produced the same results the two equivalent registers prevailed. The charge that one of infringement produced the same results the two equivalent registers prevailed.

Col. Young read authorities upon the question of reasonable doubt as applied to the plaintiff's right, i. e., affecting the validity of the patent. In this case there was no question of the validity of the patent, which having only been issued in March last, there had been no opportunity to put it into use. He claimed that the Fountain invention had been put into the Moffett register, and if so there was an infringement.

With regard to the change of form, if that change produced a new effect it was not less patentable, but he contended that the effect produced by both registers was the same. If the combinations of the same results the two equivalent registers prevailed. The charge that one of infringement produced the same results the two equivalent registers prevailed. The charge that one of infringement produced the same results the two equivalent registers prevailed.

Col. Young read authorities upon the question of reasonable doubt as applied to the plaintiff's right, i. e., affecting the validity of the patent. In this case there was no question of the validity of the patent, which having only been issued in March last, there had been no opportunity to put it into use. He claimed that the Fountain invention had been put into the Moffett register, and if so there was an infringement.

With regard to the change of form, if that change produced a new effect it was not less patentable, but he contended that the effect produced by both registers was the same. If the combinations of the same results the two equivalent registers prevailed. The charge that one of infringement produced the same results the two equivalent registers prevailed. The charge that one of infringement produced the same results the two equivalent registers prevailed.